

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

**THOMAS SCOTT COOPER,
REBECCA J COOPER,**

**CASE NO. 11-02804-8-JNC
CHAPTER 13**

DEBTORS

**DEBTORS' RESPONSE TO CHAPTER 13 TRUSTEE'S MINUTES OF 341 MEETING
AND MOTION FOR CONFIRMATION OF PLAN**

NOW COME the debtors, by and through their undersigned counsel, and respond to the Minutes of 341 Meeting and Motion for Confirmation of Plan filed on October 26, 2016 (Docket entry: 281) and show the following:

1. The debtors did not pay \$3,383.00 to the Trustee by November 30, 2016 as required under paragraph 3 of the Consent Order Conditionally Denying Trustee's Motion to Dismiss docketed with this court on October 13, 2016 under docket entry 276. Further, the debtors have no intention of making the payment of \$3,383.00 to the Trustee. As such this Court should involuntarily dismiss the case based on the debtors' non-compliance with a material provision of the Consent Order that conditionally resolved the Trustee's Motion to Dismiss entered on January 14, 2015.

2. In a chapter 13 case, only a debtor can propose a plan pursuant to 11 U.S.C. §1321. As the debtors are abandoning their efforts to confirm the plan presently pending before this court, the confirmation should be denied and the funds currently held by the Trustee should be returned, after payment of allowed administrative expenses, to the debtors pursuant to 11 U.S.C. §1326(a)(2). The debtors will not seek to confirm an alternate plan in this case and do not request any additional time for filing another plan. As such it is appropriate for the court to involuntarily dismiss this case pursuant to 11 U.S.C. §1307(b)(5).

WHEREFORE, the debtors pray the Court that the Chapter 13 Trustee's Minutes of 341 Meeting and Motion for Confirmation of Plan be denied and for such other and further relief as the Court deems just and proper.

Dated: December 10, 2016

/s/ Travis Sasser
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CERTIFICATE OF SERVICE

This is to certify that the a copy of the foregoing Response to Trustee's Minutes of 341 Meeting and Motion for Confirmation of Plan was served on the Chapter 13 Trustee at the last known address with sufficient postage thereon, or, if such interested party is an electronic filing user, by serving such interested party by electronic transmission, pursuant to Local Rule 5005-4(9)(b).

Chapter 13 Trustee
Served Electronically

I certify under penalty of perjury that the foregoing is true and correct.

Dated: December 10, 2016

/s/ Travis Sasser
Travis Sasser, State Bar No. 26707